

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF MICHIGAN**

UNKNOWN PARTY,

Plaintiff,

v.

GOOGLE LLC, YOUTUBE LLC,
JAMES JACKSON, also known online as
“ONISION,” and LUCAS JACKSON,
formerly known online as
“LAINEYBOT,” “LAINEY” and “KAI,”

Defendants.

CASE NO.: 1:23-cv-00223

HON. HALA Y. JARBOU

MOTION TO WITHDRAW AS LEGAL COUNSEL

NOW COMES Michelle M. McLean (P71393) and the law firm Bolhouse, Hofstee, & McLean PC, and do hereby motion this Court to withdraw as legal counsel and in support so state:

1. Attorney Michelle M. McLean (P71393) and the law firm Bolhouse, Hofstee, & McLean PC (hereafter “Legal Counsel”) represent Defendants James Jackson and Lucas Jackson (“the Jackson Defendants”).
2. Legal Counsel seeks leave of the Court to allow them to withdraw from representing the Jackson Defendants.
3. Defendants have advised that they do not possess the resources to pay their attorney fees which are owed or will accrue under the fee agreement.
4. Withdrawal at this time can be accomplished without material adverse effect on the interest of the clients.

5. The Court amended the Case Management Order, and so there are no immediate deadlines with the Court. Plaintiff served an Request for Production of Documents and the response is due October 24, 2023.

6. Legal Counsel has prepared and served Defendants' initial Rule 26(a)(1) disclosures which were due October 2, 2023 (ECF No. 72).

7. The Jackson Defendants are patiently awaiting this Court's ruling on their Motion to Dismiss Pursuant to Fed. R. Civ. P 12(b)(2),(3),(5), or in the Alternate to Dismiss or Transfer Pursuant to 28 USC 1404(a) and a Brief in Support. (See ECF 15; ECF 15-1).

8. Representing the Jackson Defendants without financial compensation will cause Legal Counsel an undue financial hardship.

9. The Court has discretion to grant leave to withdraw as counsel. *United States v. Mack*, 258 F.3d 548, 555-56 (6th Cir. 2001).

10. Michigan law recognizes a lawyer's right to withdraw if a client fails to pay the lawyer's fees and expenses. See Michigan Rule of Professional Responsibility 1.16(b)(4) and (5) which state: (b) Except as stated in paragraph (c), a lawyer may withdraw from representing a client if withdrawal can be accomplished without material adverse effect on the interests of the client, or if: (4) the client fails substantially to fulfill an obligation to the lawyer regarding the lawyer's services and has been given reasonable warning that the lawyer will withdraw unless the obligation is fulfilled; (5) the representation will result in an unreasonable financial burden on the lawyer or has been rendered unreasonably difficult by the client.

11. In the instant case, the Defendants currently have an outstanding balance owed to Legal Counsel and have indicated that they are not able to pay the balance owed and or to afford continued legal representation.

WHEREFORE, Attorney Michelle McLean and the law firm of Bolhouse, Hofstee, & McLean PC hereby seek leave of this Court to withdraw as legal counsel for the Jackson Defendants.

Dated: October 2, 2023

Respectfully submitted,

Michelle M. McLean

Michelle M. McLean (P71393)

Attorneys for Defendants
James Jackson and Lucas Jackson

CERTIFICATION OF CONFERRING WITH OPPOSING COUNSEL

On October 2, 2023 the undersigned counsel emailed Plaintiff's attorneys of record seeking a concurrence in this relief. Plaintiff's attorneys indicated that they do not oppose the relief requested.

Respectfully submitted,

Dated: October 2, 2023

Michelle M. McLean
Michelle M. McLean (P71393)

Attorneys for Defendants James Jackson and Lucas Jackson